

RECLAMATION

Managing Water in the West

Finding Of No Significant Impact

Rickert Ranch Conservation Easement Acquisition

Recommended:

Doug McEnroe
Environmental Specialist

Date:

2-9-10

Recommended:

David Stief
Program Manager, Central Valley
Project Conservation Program

Date:

2-9-10

Approved:

Mike Chudwin
Chief, Division of Environmental
Affairs

Date:

2-10-10

FONSI No.

10-01-MP



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$959,000 (\$544,000 from the Central Valley Project Conservation Program (CVPCP) and \$415,000 from the Habitat Restoration Program (HRP) to the Shasta Land Trust (Trust) for the acquisition of a conservation easement on the approximately 5,085-acre Rickert Ranch. The total cost of the acquisition from all sources is \$2,468,000.

Rickert Ranch is located approximately 15 miles east of Redding in Shasta County, California. The property is composed of two separate blocks located just east of the town of Bella Vista south of Highway 299 along Little Cow Creek and on the Swede Creek Plains.

The purpose of the action is to permanently protect the natural resource and agricultural values of the Rickert Ranch property through the purchase of a conservation easement. With approximately 8.5 miles of creek frontage along the Little Cow, French and Swede Creeks and undisturbed oak woodlands, the ranch contains varied and diverse habitats and wildlife. Conservatively estimated, the property has over 600 acres of vernal pools and swales.

Findings

Reclamation prepared an environmental assessment (EA) on the proposed grant in January 2010 which is incorporated by reference. The Division of Environmental Affairs of the Mid-Pacific Region of Reclamation has found that the proposed action is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required for carrying out the proposed action. The EA complies with the Council of Environmental Quality's National Environmental Policy Act Regulations and other requirements such as the Endangered Species Act, the National Historic Preservation Act, and local and State requirements. It meets Reclamation's public involvement requirements.

Following are the reasons why the impacts of the proposed action are not significant:

1. Acquisition of the conservation easement will not change land use. The landowner will continue to own and manage the Ranch at the landowner's sole expense and will continue to pay real estate taxes thereby contributing to the local economy.
2. The current landowner(s) will receive fair market value for the easement.
3. Acquisition of the conservation easement would permanently protect the parcel and thus provide a long-term, perpetual benefit to the target species and habitat.
4. Acquisition of the conservation easement will not affect cultural resources. The funds are used to assist in the purchase of the easement only. Reclamation retains no responsibility to cultural resources after the easement is established. The use of Federal funds to purchase an easement that has no planned strategic development plan has no potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1).
5. The proposed action will not affect any Indian Trust Assets.

6. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities.
7. The proposed action will not have significant cumulative impacts.
8. There is no potential for the effects to be considered highly controversial.

RECLAMATION

Managing Water in the West

Environmental Assessment

Rickert Ranch Conservation Easement Acquisition



**U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region**

February 2010

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$959,000 (\$544,000 from the Central Valley Project Conservation Program (CVPCP) and \$415,000 from the Habitat Restoration Program (HRP) to the Shasta Land Trust (Trust) for the acquisition of a conservation easement on the approximately 5,085-acre Rickert Ranch. The total cost of the acquisition from all sources is \$2,468,000.

Rickert Ranch is located approximately 15 miles east of Redding in Shasta County, California. The property is composed of two separate blocks located just east of the town of Bella Vista south of Highway 299 along Little Cow Creek and on the Swede Creek Plains. The "Wilsey Parcel" is an isolated section in the northern part of the ranch and the balance is a contiguous property. Collectively it is known as the Rickert Brothers Ranch. (See Figure 1.) A legal description is summarized below:

Township 32 North, Range 3 West MDM
Section 2: N1/2NW1/4; Portion NW1/4;
Section 3: Portion SE1/4;
Section 10: all;
Section 11: S1/2;
Section 14: NW1/4;
Section 15: all;
Section 16: E1/2;
Section 21: all;
Section 22: all;
Section 28: W1/2, N1/2NE1/4;
Section 32: Portion NE1/4NE1/4;
Section 33: Portion NW1/4NW1/4;
Township 33 North, Range 2 West, MDM
Section 31: all;
Township 33 North, Range 3 West, MDM
Section 35: Portion S1/2;
Section 36: SW1/4.

Purpose and Need for Action

The purpose of the action is to permanently protect the natural resource and agricultural values of the Rickert Ranch property through the purchase of a conservation easement. With approximately 8.5 miles of creek frontage along the Little Cow, French and Swede Creeks and undisturbed oak woodlands, the ranch contains varied and diverse habitats and wildlife. Conservatively estimated, the property has over 600 acres of vernal pools and swales.

As Shasta County and Redding grow in population, developers look to the Cow Creek Watershed to provide open, developable land. It is especially vulnerable for conversion to rural residential uses as the nearby communities of Millville and Palo Cedro grow. Rural residential development already abuts the western edge of Rickert Ranch.

Zoning for agriculture in Cow Creek Watershed has not been adequate to prevent this fragmentation. Many ranchers in the area have been carving off 40 to 80 acre parcels to sell as rural home sites thereby further fragmenting habitat. If this trend continues the Cow Creek Watershed will slowly be converted to 10-, 20- and 40-acre parcels with single family homes, and the entire associated infrastructure needed to service the new residents including roads, utilities, and irrigated landscaping.

The CVPCP was developed during the Endangered Species Act (ESA) Section 7 consultation process to ensure that the existing operation of the Central Valley Project (CVP), implementation of the Central Valley Project Improvement Act (CVPIA), and renewal of CVP water service contracts would not jeopardize listed or proposed species or adversely affect designated or proposed critical habitat. Accordingly, the CVPCP implements actions that will protect, restore, and enhance special-status species and their habitats affected by the CVP. The HRP was established under Section 3406 (b) (1) of the CVPIA. The HRP implements actions to improve conditions for species impacted by the CVP. Acquisition of a conservation easement on the Rickert Ranch is consistent with these CVPCP and HRP objectives.

Proposed Action and Alternatives

No Action

Reclamation would not contribute CVPCP and HRP funds to help acquire a conservation easement on the Ranch. The Trust would be required to obtain an additional \$959,000 from other private and public sources besides the \$1,509,000 that Trust needs to obtain from other organizations. If alternative funding cannot be secured, the Trust may not be able to acquire the conservation easement on the Ranch.

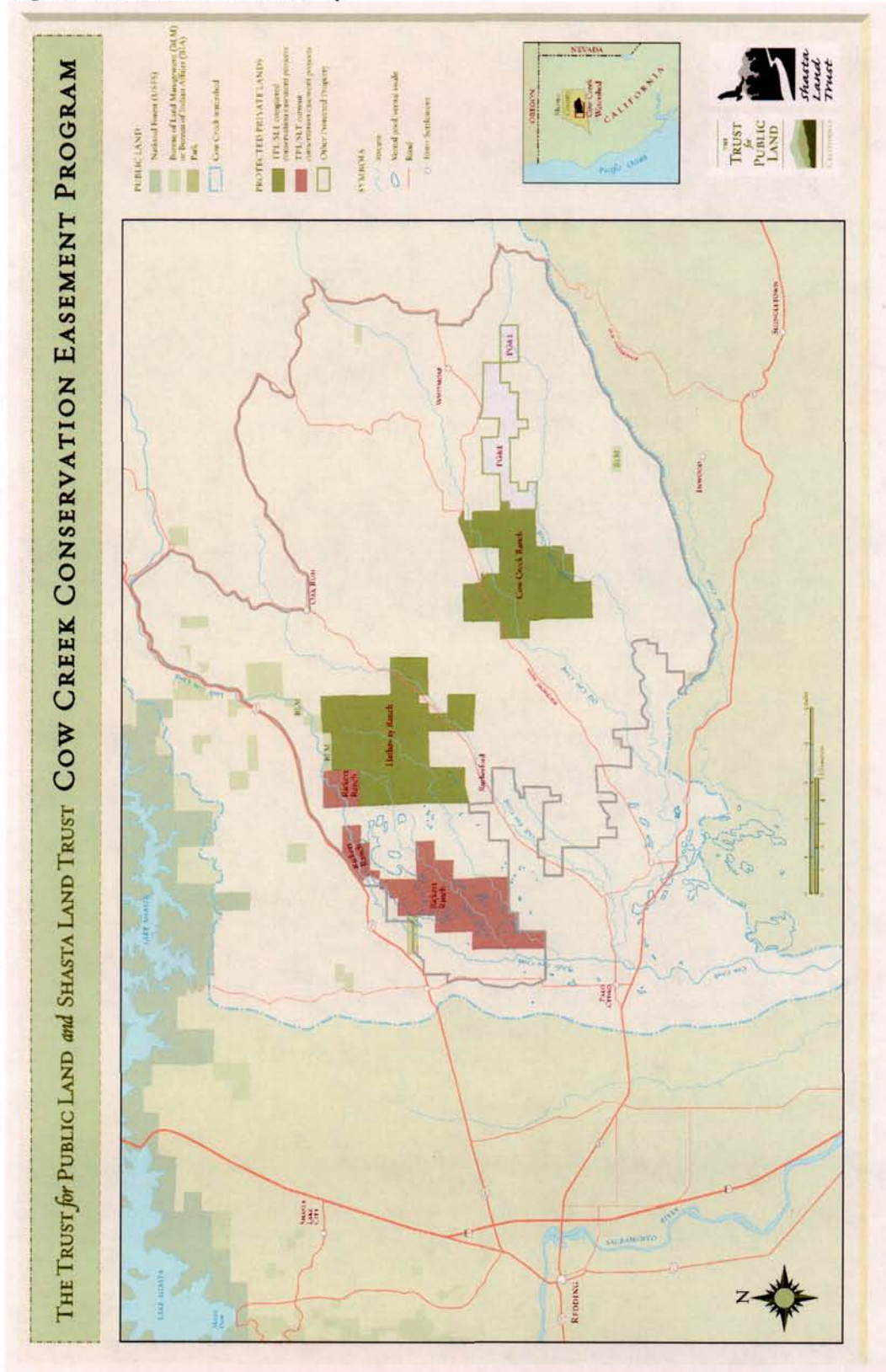
Proposed Action

Reclamation would provide \$959,000 from the CVPCP and HRP to the Trust to help acquire the conservation easement on the Ranch. Other organizations would provide approximately \$1,509,000 to the Trust to help acquire the conservation easement.

A key objective of the Rickert Ranch easement is preserving the property's agricultural viability as a "working landscape" and preventing conversion of these agricultural lands. As holder of the proposed easement, the Trust plans not just to enforce the easement, but also to use the property and limited access to it as a vehicle for public education and outreach. Such activities may include a variety of events similar to those convened on other Trust properties, such as bike rides, horseback rides, hiking, bird-watching, native plant walks, and other programs for public enjoyment and education.

Once acquired, the Trust would, with contracted help from outside experts as necessary and

Figure 1. General Location Map



appropriate, conduct a Baseline Conditions Report (Present Conditions Report or PCR) describing the habitat conditions and species occurrences on the site. The Baseline Conditions Report would document the presence and health of the Ranch's Conservation Values and all the natural resources present on day one of the conservation easement. The conservation easement would then aim, at a minimum, to preserve all these Conservation Values as they are found on day one of the acquisition.

The acquisition of a conservation easement on the Rickert Ranch would create the opportunity for future habitat restoration activities and erosion control measures along the 8.5 miles of creek frontage located on the property. The Trust would also implement a comprehensive monitoring program to ensure that wildlife, plant, riparian, cultural, and scenic resources are adequately protected.

Irrigated farming and cultivated dry pasture would be limited to its current extent on the Ranch. Cultivated dry pasture farming would only be allowed in certain defined areas. The conservation easement defines the areas that can be farmed (Farmable Areas) and two types of Sensitive Resource Zones (SRZs). The riparian corridors are defined as Riparian SRZ's that specify prohibited and permitted uses described in the conservation easement. All the vernal pools and swales that are identified and mapped in the PCR would be defined as Vernal Pool SRZ's. Additional vernal pools or riparian and wetland resources identified by a qualified wetlands biologist may be included within an SRZ as appropriate.

The Riparian SRZ's are established for the purpose of protecting the riparian resources including Little Cow Creek, French Creek and Swede Creek. Grazing would be discouraged in the Riparian SRZ's. The conservation easement would specifically protect the riparian areas by restricting livestock from the Riparian SRZ's and prohibiting cutting, removing or disturbing any wood or vegetation including the elderberry bushes

The vernal pools and swales are described in another type of SRZ that would be managed via a different set of permitted and prohibited uses under the conservation easement. The vernal pools need to be treated differently from the Riparian SRZ's because continued grazing is an important element of the natural cycle of vernal pool ecology. Grazing would be allowed, even encouraged, in vernal pool areas, subject to minimum Residual Dry Matter (RDM) requirements. No leveling, drainage, or other disturbance beyond limited vehicular use for ranching purposes, and the grazing itself, would be allowed in the areas covered by vernal pools and swales. The conservation easement is also designed to protect sensitive species such as slender Orcutt grass by limiting active cultivation and controlling the introduction of exotic species.

The Trust as the grantee of the Rickert Ranch conservation easement shall have the right to monitor and enforce the terms of the conservation Easement. The Trust would have the right to remove or control non-native plants and animals that threaten to impair the Conservation Values of the property and to conduct habitat restoration activities within the SRZs in order to ensure the long term viability of the Conservation Values of the Ranch.

Affected Environment and Environmental Consequences

Biological Resources

Affected Environment

The Rickert Ranch supports a rich array of habitat types rarely found in such close proximity to a major metropolitan area. This site is one of the largest intact properties within the Cow Creek Watershed, the most northern undammed tributary to the Sacramento River. The bulk of the property is situated on the Swede Creek Plains, a terrace incised with stream channels from Swede Creek, French Creek, and the Little French Creek. The upper portions are largely open ground and the stream channels are blue oak woodland types.

The Swede Creek Plains, which are an impressive expanse, and are nearly devoid of any roads, contain very extensive vernal pools and swales. The total acreage of vernal pools and swales on Rickert Ranch has not been surveyed; however, a conservative rough estimate based on soil types, aerial photographs, and information from the Cow Creek Watershed Conceptual Area Protection Plan prepared by the California Department of Fish & Game (DFG), suggests that there are over 600 acres of vernal pools and swales on the property. The vernal pools that are found on the Plains are important "islands of biodiversity" and offer the opportunity to protect native grasses that are uncommon in California today, potentially including slender Orcutt grass, a Federal threatened species.

Rickert Ranch contains a beautiful landscape characterized by flat grasslands, rolling foothills, expansive stands of blue oak woodland, old growth Oregon white oak, and gray pines. In addition, there are approximately 8.5 miles of riparian and aquatic habitat along Little Cow Creek, French Creek, and Swede Creek. There are also a significant number of elderberry bushes on the ranch, which provide habitat for the threatened valley elderberry longhorn beetle, a Federal threatened species and a species particularly impacted by the CVP.

The Cow Creek Watershed Assessment of 2001 identified several special status wildlife and plant species known or suspected to occur in the Cow Creek Watershed including: vernal pool fairy shrimp, vernal pool tadpole shrimp, California red-legged frog, valley elderberry longhorn beetle and slender Orcutt grass, red-tailed hawk, northwestern pond turtle, and several other bird, amphibian, reptile and mammal species. There is a high probability that many of these species are also present on the Rickert Ranch property.

Blue oak woodland is the dominant plant community on the property. Although blue oak woodlands were once considered common, they are rapidly disappearing as development increases in the foothills, and large tracts of generally undisturbed oak woodlands are rare in California. The structural diversity and size of the oak woodlands on the Rickert Ranch property, as well as extensive riparian and wetland habitat, make this ranch valuable breeding habitat and host to a great diversity of resident and migratory wildlife species, including the Cow Creek deer herd. Other habitat types on this property include riparian forest, blue oak-foothill pine woodland, valley and foothill grassland, and chaparral.

The following federally-listed species have been observed within the Cow Creek Watershed: valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*); California red-legged frog (*Rana aurora*); steelhead trout (*Oncorhynchus mykiss*); vernal pool fairy shrimp (*Brachinecta lynchi*); vernal pool tadpole shrimp (*Lepidurus packadi*); and slender Orcutt grass (*Orcuttia Tenuis*).

While it has not been currently possible to conduct biological inventories of the Rickert Ranch property, the fact that the species described above have been documented in the Cow Creek Watershed, and the fact that the Ranch contains many of the same habitats as those studied within the Cow Creek Watershed, suggests that there is a high probability that these species would also occur on the subject property.

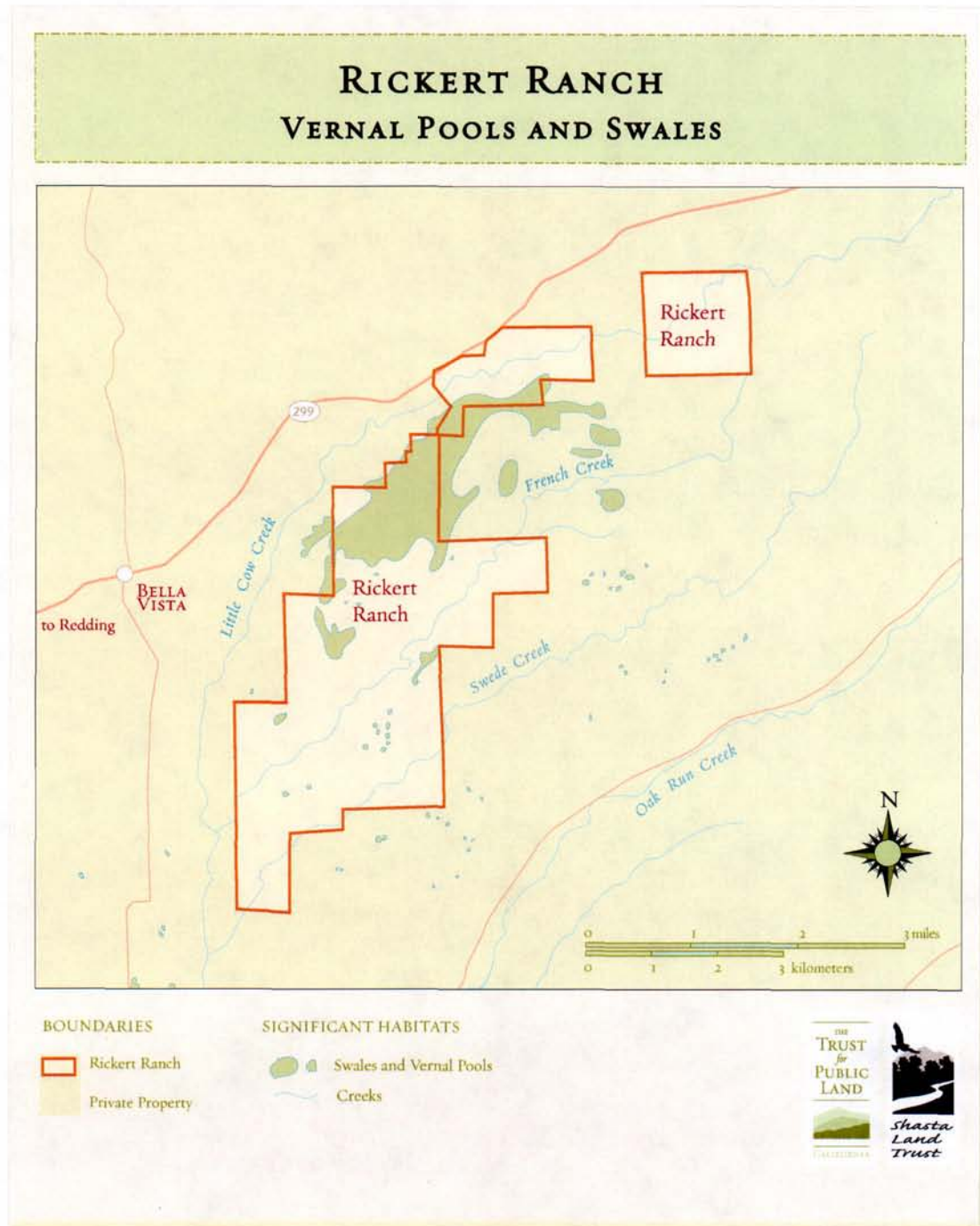
Environmental Consequences – Proposed Action

The Rickert Ranch conservation easement would protect all the federally listed species described above. In particular the vernal pools and swales, the Little Cow Creek, French Creek and Swede Creek and the riparian habitat corridors associated with each of these creeks would be specifically protected and identified in the PCR as having significant Conservation Values as defined in the Rickert Ranch conservation easement.

A conservation easement on Rickert Ranch would not only protect the natural resources on the Ranch that are described above, but would help protect the entire Cow Creek Watershed from conversion to rural residential development. Rickert Ranch is oriented north/south and because it is at the boundary of existing rural residential development, it effectively controls the access to virtually the entire Cow Creek Watershed. This means that if Rickert Ranch is protected, not only are its resources conserved, but development pressure would be reduced on all of the large ownership ranches to the east of the Ranch (because roads into those properties would have to cross over Rickert Ranch and the conservation easement would prevent this).

The purchase of this easement would complement previous easement acquisitions completed in partnership with the Trust for Public Land (TPL) on the 2,241-acre Fenwood Partners Ranch, the 6,639-acre Hathaway Ranch, and the 4,915-acre Cow Creek Ranch also located within the Cow Creek Watershed.

Figure 2. Rickert Ranch Vernal Pools



Once a conservation easement on the Rickert Ranch property is successfully purchased, the Trust plans to participate in restoration actions to enhance wildlife habitat, stream corridors, and oak woodlands. Allowing limited grazing with RDM standards to preserve vegetative cover, would protect the vernal pools and the vernal swales on the Plains.

Special protection of Riparian SRZ's, by the conservation easement, would preserve habitat for California red-legged frogs and elderberry bushes that provide habitat for the valley elderberry longhorn beetle. The Riparian SRZ's would help preserve all the riparian species noted above, including the northwestern pond turtle and the Shasta salamander. Restoration plans would also improve water quality for salmon and steelhead through fencing of the Riparian SRZ's and other erosion control measures. The public would benefit from the open space and natural environment of the Ranch. The landowner would continue to own and manage the Ranch at the landowner's sole expense and would continue to pay real estate taxes thereby contributing to the local economy.

Environmental Consequences – No Action

If the Trust could not obtain alternate funding to replace the CVPCP/HRP funding, the Trust may not be able to purchase the conservation easement and the Ranch could be developed. Rickert Ranch is the most proximate and the most attractive large block of land for rural residential uses in this watershed. The risk to this property is great, but if this property is sold for residential uses, then there is the potential for far greater losses in the entire Cow Creek Watershed. The family who currently owns Rickert Ranch is not inclined to sell for development but they are all in their 80's and 90's. The next generation is much divided in its sentiments towards the future of the family ranch.

Developers have been trying to get access across Rickert Ranch for many years and the family has always refused to sell. Even if the next generation is unable to agree on a sale of the Ranch, or unable to attract a buyer, it is very probable that they would sell access rights, across the Ranch, giving way to "leap frog" development in the watershed.

Cultural Resources

Affected Environment

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 Code of Federal Regulations (CFR) Part 800. These regulations describe the process that the Federal agency (Reclamation)

takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

Archaeological sites and historic built environment features are known to exist within the proposed project area. Many of these cultural resources may be eligible for inclusion in the National Register of Historic Property.

Environmental Consequences

No Action.

Under the no action alternative, Reclamation would not provide funds to assist in the purchase of a conservation easement. Because Reclamation would not provide funds, there would be no undertaking as defined by Section 301(7) of the NHPA. If no undertaking is initiated then Section 106 is not initiated. Effects to cultural resources would remain the same. Reclamation's determination to implement the no action alternative would result in no impacts to cultural resources.

Proposed Action.

Implementation of the Proposed Action would result in Reclamation providing up to \$959,000 to purchase a conservation easement. The funds are used to assist in the purchase of the easement only. Reclamation retains no responsibility to cultural resources after the easement is established. The use of Federal funds to purchase an easement that has no planned strategic development plan has no potential to affect historic properties pursuant to the regulations at 36 CFR Part 800.3(a)(1). There would be no impacts to cultural resources as a result.

Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in Trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The proposed action does not affect ITAs. The nearest ITA is a Public Domain Allotment approximately 9 miles southeast of the project location.

Environmental Justice

Executive Order 12898 requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations. Since there would be no change in existing or similar land uses, there would be no adverse human health or environmental effects to minority or low-income populations.

Consultation and Coordination with Others

The CVPCP/HRP Technical Team reviewed and ranked the conservation easement acquisition proposal during the CVPCP/HRP FY 2009 proposal review period. The proposal was selected for funding following this evaluation of the project.

On June 29, 2009, Reclamation initiated informal consultation with the Fish and Wildlife Service (Service) on the activities for projects in the CVPCP and the HRP for FY 2009. The Service concurred on September 28, 2009, that the projects, including this proposed action, are not likely to adversely affect listed species.

Section 106 of the National Historic Preservation Act requires Federal agencies to evaluate the effects of Federal undertakings on historical, archaeological, and cultural resources. Due to the nature of the proposed project, there would be no effect on any historical, archaeological, or cultural resources and no further compliance actions are required.